IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5221 OF 2005

Rajendra @ Rajan Vidhyadharan Nair ...Applicant
Vs.
1. Smt.Mumtaz Ramzan Shaikh
2. The State of Maharashtra ...Respondents

Shri. Prospar D'souza for the Applicant.
Ms M.M. Deshmukh, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : AUGUST 30, 2005.

P.C.:

1. Heard the advocate appearing for the Applicant and the learned A.P.P. for the State.

2. The offence alleged against the Applicant is under sections 406, 420 and 506(2) of the Indian Penal Code. The Application for bail made by the Applicant has been rejected by the learned Ist Adhoc Additional Sessions Judge, Kolhapur on the ground that out of total misappropriated amount of Rs.80,000/-, only a sum of Rs.20,000/- has been recovered and that the Applicant who is a resident of Keala has no fix place of his abode in the State and therefore, he may abscond.

3. Admittedly, investigation has been completed and the chargesheet has been filed. In the facts of the case, failure to recover misappropriated amount by itself is no ground to deny bail after completion of investigation. Merely because the Applicant is not a resident of the State of Maharashtra, will not be also

a ground to deny bail. To ensure the attendance of the Applicant in the Trial Court, he can be directed to furnish local sureties. No criminal antecedents of the Applicant have been brought on record.

4. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.184 of 2004 of Jail Road Police Station, District Solapur,** subject to furnishing a personal bond of **Rs.20,000/-** with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant, before availaing of the facility of bail, will inform the Investigating Officer detailed address of his place of residence and his residential telephone number, if any, where he proposes to stay after he is enlarged on bail.

iii) The Bail is granted subject to condition that till the conclusion of the trial the Applicant will report to the Investigating Officer atleast once in every calendar month.

iv) The Bail is granted subject to condition that

the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) The parties to act upon an authenticated copy of this order.

JUDGE